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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,087	04/20/2004	Naila K. Khalaf	USP2401A-NKK	6011

30265 7590 03/22/2007
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EXAMINER

DEMILLE, DANTON D

ART UNIT	PAPER NUMBER
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3771

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

Office Action Summary	Application No.		Applicant(s)	
	10/829,087		KHALAF, NAILA K.	
	Examiner		Art Unit	
	Danton DeMille		3771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lunn.

Lunn teaches the heart of applicant's invention. Lunn teaches a seat belt massager for detachably fastening on a seat belt comprising a massager body 10 defining an inner treatment surface 24 and a massaging device 12 supported on the massage portion. Snaps 30 are fastening means provided on the massager body for detachably fastening the massager body on the seat belt.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lunn in view of Sears.

Lunn may not disclose the details of the inner workings of the vibrator because such is well within the realm of the artisan of ordinary skill. Any conventional arrangement would have

been an obvious provision. Sears teaches the convention of using a battery operated motor with an eccentric weight in a pocket attached to a belt. It would have been obvious to one of ordinary skill in the art to modify Lunn to use a conventional battery, motor and eccentric weight as taught by Sears to provide the details of the vibration device.

Regarding claim 4, Lunn teaches the full length of the strap 16 for attaching to the seat belt however, it would have been obvious to use a plurality of straps to attach the device to the seat belt to reduce the amount of material used. It would have been obvious to one of ordinary skill in the art to further modify Lunn to use a plurality of straps to secure the vibrator to the belt to reduce the amount of material used to make the device.

Regarding claim 6, Lunn teaches snaps 30 for securing the strap to the belt however, hook and loop fastening means would have been an obvious and cheaper means of securing the device to the seat belt. It would have been obvious to one of ordinary skill in the art to further modify Lunn to use hook and loop fastening means for the snaps as an obvious equivalent means for performing the same purpose.

Regarding claims 12-14, Lunn may teach using an elastic strap to secure the vibrator to the device however, using a pocket with a flip cover would have been an obvious equivalent means of secure the vibrator to the device. Sears would appear to show a pocket 14 with a flip cover in the drawings. It would have been obvious to one of ordinary skill in the art to further modify Lunn to use a pocket with a flip cover as suggested by Sears as an obvious equivalent means for holding the vibrator to the device.

Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 12 above, and further in view of Aruin et al.


There appears to be no unobviousness to provide a cushion or comfortable layer around the device to protect the user from any sharp or hard surfaces since the device is pressed against the user. Aruin teaches a protective layer 14 for cushioning the device from the user. It would have been obvious to one of ordinary skill in the art to further modify Lunn to include a cushion layer as taught by Aruin to provide a layer of protection for the user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danton DeMille whose telephone number is (571) 272-4974. The examiner can normally be reached on M-F from 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

19 March 2007


Danton DeMille
Primary Examiner
Art Unit 3771